

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN ZAPATA, an Individual and  
as Assignee,

Plaintiff,

v.

ALLIED PROPERTY AND  
CASUALTY INSURANCE  
COMPANY, NATIONWIDE  
MUTUAL INSURANCE  
COMPANY, an Ohio Corporation,  
and INSPRO, INC., a Nebraska  
corporation,

Defendants.

4:13CV3044

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's "Notice of Voluntary Case Dismissal Without Prejudice" (Filing No. [13](#)), which the court liberally construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). Pursuant to Rule 41(a)(2), "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Here, Defendants filed a Notice of Removal against Plaintiff from the District Court of Lancaster County, Nebraska, on March 4, 2013. (Filing No. [1](#).) The following day, Defendants moved to extend the time in which to file their responsive pleading to April 8, 2013, which the court granted. (Filing No. [6](#).) On March 28, 2013, Plaintiff moved to voluntarily dismiss this matter without prejudice. (Filing No. [13](#).) Defendants did not object to Plaintiff's motion to voluntarily dismiss this matter without prejudice, and they did not file a responsive pleading to Plaintiff's Complaint. In light of these facts,

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Notice of Voluntary Case Dismissal Without Prejudice" (Filing No. [13](#)) is granted, and this matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 25th day of April, 2013.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.